

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In The Matter Of:

YOLANDA HUE

Debtor,

YOLANDA HUE

Plaintiff

v.

CITIMORTGAGE, INC.

Defendant.

) Case Number 13-51018-659

) Chapter 13

) Adversary Cause Number: 14-04095-659

) #1

AGREED ORDER RESOLVING COMPLAINT

COMES NOW, the parties and agree to the following in settlement of the Complaint.

1. The amount of the claim of the Defendant is \$8,109.45 which is secured by a junior lien recorded in Book 02282006, Page 0232 on the principal residence of the Debtor, commonly known and numbered as 6400 Marquette Ave, Saint Louis, MO 63139; more particularly described as follows:

LOT 24 IN BLOCK 1 OF SOUTHWEST PARK AND IN BLOCK 5998 OF THE CITY OF ST. LOUIS, FRONTING 35 FEET ON THE SOUTH LINE OF MARQUETTE AVENUE, BY A DEPTH SOUTHWARDLY OF 125 FEET MORE OR LESS TO AN ALLEY.

2. The amount of the claim of the superior liens is in the approximate amount of \$120,534.31.

3. The value of the property alleged in the Complaint filed by the Plaintiff is \$100,000.00. Defendant believes the value of the property to be \$121,900.00 pursuant to a Broker Price Opinion dated May 5, 2014.

4. The parties stipulate that the value of the property is less than the amount of the claim of the superior liens.

5. There is no equity over and above the superior liens to secure the claim of Defendant CitiMortgage, Inc.'s lien. And therefore,

IT IS HEREBY ORDERED that Complaint filed by Debtor is granted in that the lien of Defendant/Creditor, CitiMortgage, Inc.'s lien, upon the residence of the Debtor located at 6400 Marquette Ave, Saint Louis, MO 63139 is avoided as there is insufficient equity available to secure the lien.

IT IS FURTHER ORDERED that the lien of Defendant/Creditor, CitiMortgage, Inc., upon the residence of the Debtor located at 6400 Marquette Ave, Saint Louis, MO 63139 shall be treated as a general unsecured debt in the amount of \$8,109.45 for the purposes of this Chapter 13.

IT IS FURTHER ORDERED Defendant/Creditor, CitiMortgage, Inc., will file an Amended Unsecured Proof of Claim within fourteen (14) days of the entry of this Order.

IT IS FURTHER ORDERED that, upon successful completion by discharge order of the Chapter 13 bankruptcy case number 13-51018-659 filed by the Debtor, Debtor may file with the recorder of deeds a certified copy of this order voiding the lien of 6400 Marquette Ave, Saint Louis, MO 63139 recorded in Book 02282006, Page 0232.

IT IS FURTHER ORDERED that the terms of this Order shall be deemed moot if this Chapter 13, case number 13-51018-659, is dismissed prior to discharge, converted to a Chapter 7, or if the superior liens obtain relief from the automatic stay with respect to residence of the Debtor.

IT IS FURTHER ORDERED in the event that the holder of any prior Deed of Trust on the subject property forecloses on its interest and extinguishes Defendant's lien rights prior to the Debtors' completion of payments in the Chapter 13 Plan, Defendant's lien shall attach to the proceeds in excess of the senior lien, if any, from the foreclosure sale.

Kathy A. Surratt - States
KATHY A. SURRETT-STATES
Chief United States Bankruptcy Judge

DATED: May 22, 2014
St. Louis, Missouri
jh

Order Prepared and Submitted by:
Millsap & Singer, LLC

/s/ Sean C. Paul
Sean C. Paul, #59371MO
The Law Offices of Sean C. Paul, PC
Attorney for Debtor
8917 Gravois Rd., 2nd Floor
St. Louis, MO 63123
Telephone: (314) 827-4027
Facsimile: (314) 222-0619
scp@pklawonline.com

/s/ William T. Holmes, II
Cynthia M. Woolverton, #47698, #47698MO
Michael J. Wambolt, #51231, #51231MO
William T. Holmes, II, #59759, #59759MO
Benjamin C. Struby, #56711, #56711MO
Attorneys for Defendant
612 Spirit Drive
St. Louis, MO
Telephone: (636) 537-0110
Facsimile: (636) 537-0067
bkty@msfirm.com

Copies to:

Yolanda Hue
6400 Marquette Ave
Saint Louis, MO 63139

John V. LaBarge, Jr
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143